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10/602,725	06/25/2003	Shin Torigoe	31759-190544	1541

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EXAMINER

RAMPURIA, SATISH

ART UNIT PAPER NUMBER

2191

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/602,725

Applicant(s)

TORIGOE ET AL.

Examiner

Satish S. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/25/03</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***DETAILED ACTION***

1. This action is in response to the application filed on June 25, 2003.
2. Claims 1-20 are pending.

***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority (JP2002-187859 filing date 06/27/2002 and JP2003-55617 filing date 03/03/2003) under 35 U.S.C. 119(a)-(d). The certified copies have been received on June 25, 2003.

***Information Disclosure Statement***

4. An initialed and dated copy of Applicant's IDS form 1449 filed on June 25, 2003 is attached to the instant Office action.

***Oath/Declaration***

5. The Office acknowledges receipt of a properly signed oath/declaration filed June 25, 2003.

***Specification***

6. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

***Drawings***

7. The drawings were received on June 25, 2003. These drawings are acceptable by the examiner.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is non-statutory because the language of the claim raises a question as to would the result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites document updating detection apparatus, representing functional descriptive material without producing a concrete, useful, and tangible result. Claims 2-9 are directly or indirectly dependent on claim 1 and further support document updating detection apparatus representing functional descriptive material without producing a concrete, useful, and tangible result thus amounts to only abstract idea and are nonstatutory.

Claim 10 is non-statutory because the language of the claim raises a question as to would the result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites document updating detection apparatus, representing

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functional descriptive material without producing a concrete, useful, and tangible result. Claims 11-20 are directly or indirectly dependent on claim 10 and further support document updating detection apparatus representing functional descriptive material without producing a concrete, useful, and tangible result thus amounts to only abstract idea and are nonstatutory.

Claim 19 is non-statutory because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites the method of claim 10 described in a code which can be processed by a computer without a computer readable medium or computer implemented method, program (code) per se are not tangibly embodied.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 1-20 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: What is being done once the document is compared.

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11. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Clarification and/or correction are required.

Regarding, claim 1, on lines 3, 4, 6, and 7 of the claim, the limitation, "to be" is not clear as to the document is being compared/detected. For examination purposes, it is being interpreted as document is compared and detected.

Claim 2, has the similar limitation to those in claim 1 with respect to "to be", recited on the lines 4 and 5 of the claim.

Claim 4, has the similar limitation to those in claim 1 with respect to "to be", recited on the line 4 and 5 of the claim.

Claim 6, has the similar limitation to those in claim 1 with respect to "to be", recited on the line 4 of the claim.

Regarding, claim 10, on lines 3, 4, 6, and 7, the limitation, "to be" is not clear as to the document is being compared/detected. For examination purposes, it is being interpreted as document is compared and detected.

Claim 11, has the similar limitation to those in claim 10 with respect to "to be", recited on the line 5 of the claim.

Claim 13, has the similar limitation to those in claim 10 with respect to "to be", recited on the lines 4 and 5 of the claim.

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Claim 15, has the similar limitation to those in claim 10 with respect to "to be", recited on the lines 3 and 4 of the claim.

Regarding, claim 19, on line 4, the limitation, "can be" is not clear whether the code is being processed by the computer or not.

### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1,6,9, 10, 15, 18, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,898,836 to Freivald et al. (hereinafter, Freivald).

#### **Per claim 1:**

Freivald discloses:

- An electronic document significant updating detection apparatus comprising:
- input means for loading an electronic document to be detected and an electronic document to be compared (col. 4, lines 22-26 "...change in the document is detected by comparing a checksum for the checked portion of the document...");
- and
- significant updating detection means for detecting a difference between an important part of the input electronic document to be detected and an important

part of the input electronic document to be compared (col. 4, lines 30-45 "...A compare means is coupled to the parsing means. It signals a match...any of the checksums generated...matches the original checksum from the database...a change in the document is detected when the match is not signaled by the compare means...parsing means generates a plurality of checksums for the plurality of portions of the fresh copy").

**Per claim 6:**

The rejection of claim 1 is incorporated and further, Freivald discloses:

- wherein the significant updating detection means comprises a pre-process section for extracting important parts from the electronic document to be detected and the electronic document to be compared (col. 8, lines 37-45 "...The HTML tag characters are then examined at line 147 to determine if the HTML tag is a link to a linked URL. If the HTML tag characters are a link to a linked URL, then the linked URL is extracted from the HTML tag characters and added to the end of the link list L at line 149..."), a difference extraction section for extracting a difference between the results extracted by the pre-process sections, and a value determination section for determining whether the extracted difference is a significant difference or not (col. 8, lines 37-45 "If the HTML tag characters are not a link, then the HTML tag characters form an HTML tag and are ignored (performing differences)... process of reading and examining HTML web content data characters is continued by the loop...until... the buffer is empty and the



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network socket is closed").

**Per claim 9:**

The rejection of claim 1 is incorporated and further, Freivald discloses:

- further comprising output means for notifying an external information processing apparatus of a detection result of the significant updating detection means (col. 3, lines 64-67 to col. 4, lines 1-6 "...responder communicates with the remote client to register a document for change detection by receiving from the remote client... document...entire document...").

**Claims 10, 15, and 18** are the method claim corresponding to apparatus claims 1, 6, and 9 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1, 6, and 9 respectively, above.

**Per claim 19:**

The rejection of claim 10 is incorporated and further, Freivald discloses:

- wherein the respective steps of the electronic document significant updating detection method according to claim 10 are described in a code which can be processed by a computer (See FIG. 1 element 14 and related discussion and col. 18, lines 65-67 "...program code...").

**Per claim 20:**

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The rejection of claim 19 is incorporated and further, Freivald discloses:

- wherein the electronic document significant updating detection program according to claim 19 is recorded on the recording medium (col. 18, lines 65-67 "computer-readable program code").

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-5, 7, 8, 11-14, 16, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald in view of US Patent No. 6,910,071 to Quintero et al. (hereinafter, Quintero).

#### **Per claims 2:**

The rejection of claim 1 is incorporated and further, Freivald does not explicitly disclose wherein the significant updating detection means comprises a pre-process section for extracting important parts from the electronic document to be detected and the electronic document to be compared.

However, Quintero discloses in an analogous computer system wherein the significant updating detection means comprises a pre-process section for extracting

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important parts from the electronic document to be detected and the electronic document to be compared (col. 8, lines 37-45 "...The HTML tag characters are then examined at line 147 to determine if the HTML tag is a link to a linked URL. If the HTML tag characters are a link to a linked URL, then the linked URL is extracted from the HTML tag characters and added to the end of the link list L at line 149..."), and a difference extraction section for performing difference extraction to a result extracted by the pre-process section (col. 8, lines 37-45 "If the HTML tag characters are not a link, then the HTML tag characters form an HTML tag and are ignored (performing differences)... process of reading and examining HTML web content data characters is continued by the loop...until... the buffer is empty and the network socket is closed").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein the significant updating detection means comprises a pre-process section for extracting important parts from the electronic document to be detected and the electronic document to be compared, and a difference extraction section for performing difference extraction to a result extracted by the pre-process section as taught by Quintero into the method of change detection tool for documents as taught by Freivald. The modification would be obvious because of one of ordinary skill in the art would be motivated extracting important parts from the document to be compared and a difference extraction section for performing difference extraction to a result extracted by the pre-process section to report the detecting changes to monitor changes in web content data as suggested by Quintero (col. 2, lines 11-40).

**Per claim 3:**

The rejection of claim 2 is incorporated and further, Freivald does not explicitly disclose wherein the pre-process section determines the important parts by checking whether the important parts include a predetermined keyword or not.

However, Quintero discloses in an analogous computer system wherein the pre-process section determines the important parts by checking whether the important parts include a predetermined keyword or not (col. 4, lines 48-67 to col. 5, lines 1-6 "...Changes are determined based on a comparison...If any one of the keyword counts for the new page differs from the corresponding keyword count for the previous version, then a change is declared between the current and previous text only versions").

The feature of wherein the pre-process section determines the important parts by checking whether the important parts include a predetermined keyword or not would be obvious for the reasons set forth in the rejection of claim 2.

**Per claim 4:**

The rejection of claim 1 is incorporated and further, Freivald does not explicitly disclose wherein the significant updating detection means comprises a difference extraction section for extracting a difference between the electronic document to be detected and the electronic document to be compared, and a value determination section for determining whether the extracted difference is a significant difference or not.

However, Quintero discloses in an analogous computer system wherein the significant updating detection means comprises a difference extraction section for extracting a difference between the electronic document to be detected and the electronic document to be compared, and a value determination section for determining whether the extracted difference is a significant difference or not (col. 4, lines 48-67 to col. 5, lines 1-6 "...Changes are detected based on a comparison of the previous text data only version of the web page stored in the database with the newly downloaded text only version of the page...The new formatted text is compared to the formatted text of the previous version for determining changes in the number of keyword hits matching the Boolean search criteria...After the initial comparison between the previous version in the database and the new current version is done, the previous version of the page in the database is replaced by the formatted text of the new current version...").

The feature of wherein the significant updating detection means comprises a difference extraction section for extracting a difference between the electronic document to be detected and the electronic document to be compared, and a value determination section for determining whether the extracted difference is a significant difference or not would be obvious for the reasons set forth in the rejection of claim 2.

**Per claim 5:**

The rejection of claim 4 is incorporated and further, Freivald does not explicitly disclose wherein the value determination section determines whether the difference is a

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significant difference or not by using attribute determination or the like performed by natural language processing such as morphological analysis.

However, Quintero discloses in an analogous computer system wherein the value determination section determines whether the difference is a significant difference or not by using attribute determination or the like performed by natural language processing such as morphological analysis (col. 9, lines 15-45 "The change detection subroutine of FIG. 5 returns the result of the comparison of the previous and current formatted text strings...flag TrueChange is set to TRUE if a significant change was detected... if no change was detected, the flag TrueChange is set to FALSE. If a change was detected, then the new keyword counts that were generated by the change detection algorithm are added to the database, replacing the counts from the old previous version P...the results are presented to the user in two different formats to enable change and keyword hit notification...").

The feature of wherein the value determination section determines whether the difference is a significant difference or not by using attribute determination or the like performed by natural language processing such as morphological analysis would be obvious for the reasons set forth in the rejection of claim 2.

**Per claim 7:**

The rejection of claim 6 is incorporated and further, Freivald does not explicitly disclose wherein the pre-process section determines the important parts by checking whether the important parts include a predetermined keyword or not.

However, Quintero discloses in an analogous computer system wherein the pre-process section determines the important parts by checking whether the important parts include a predetermined keyword or not (col. 4, lines 48-67 to col. 5, lines 1-6 "...Changes are determined based on a comparison...If any one of the keyword counts for the new page differs from the corresponding keyword count for the previous version, then a change is declared between the current and previous text only versions").

The feature of wherein the pre-process section determines the important parts by checking whether the important parts include a predetermined keyword or not would be obvious for the reasons set forth in the rejection of claim 2.

**Per claim 8:**

The rejection of claim 6 is incorporated and further, Freivald does not explicitly disclose wherein the value determination section determines whether a difference is a significant difference or not by using attribute determination or the like performed by natural language processing such as morphological analysis.

However, Quintero discloses in an analogous computer system wherein the value determination section determines whether a difference is a significant difference or not by using attribute determination or the like performed by natural language processing such as morphological analysis (col. 9, lines 15-45 "The change detection subroutine of FIG. 5 returns the result of the comparison of the previous and current formatted text strings...flag TrueChange is set to TRUE if a significant change was detected... if no change was detected, the flag TrueChange is set to FALSE. If a

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change was detected, then the new keyword counts that were generated by the change detection algorithm are added to the database, replacing the counts from the old previous version P...the results are presented to the user in two different formats to enable change and keyword hit notification...").

The feature of wherein the value determination section determines whether a difference is a significant difference or not by using attribute determination or the like performed by natural language processing such as morphological analysis would be obvious for the reasons set forth in the rejection of claim 2.

**Claims 11-14, 16 and 17** are the method claim corresponding to apparatus claims 2-5, 7 and 8 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 2-5, 7 and 8 respectively, above.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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